

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 539 final

Brussels, 15 October 1976

Proposal for a  
COUNCIL REGULATION (EEC)  
of

amending Annex IV to Regulation (EEC) No 816/70  
laying down additional provisions for the common  
organization of the market in wine and the Common  
Customs Tariff as regards the exchange rates  
applicable to customs duties on certain wines

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(submitted to the Council by the Commission)

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### EXPLANATORY MEMORANDUM

In order to implement in particular Council Regulation (EEC) n° 2506/75 of 29 September 1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries, Regulation (EEC) n° 1167/76 provided that the "green exchange rate" should be used when converting into national currencies the customs duties on wine subject to the control measures of the reference price system. However, the exchange rate notified to the International Monetary Fund remained applicable in respect of certain other wines.

Experience has shown that this situation altered the competitive situation in respect of certain wines falling within subheading 22.05 C in the Common Customs Tariff.

The aim of the present proposal is to provide that the "green exchange rate" be applied to all wines falling within subheading 22.05 C in the Common Customs Tariff when converting the customs duties into national currencies.

The present proposal for a Regulation, based on Article 43 of the Treaty, requires the Opinion of the European Parliament.

Proposal

COUNCIL REGULATION (EEC)

amending Annex IV to Regulation (EEC) N° 816/70 laying down additional provisions for the common organization of the market in wine and the Common Customs Tariff as regards the exchange rates applicable to customs duties on certain wines.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas General Rule C 3 in Section 1 of Part 1 of the Annex to Council Regulation (EEC) n° 950/68 of 28 June 1968 on the Common Customs Tariff (2), as last amended by Regulation (EEC) n° 1167/76 (3), provides that the unit of account by reference to which certain specific customs duties are expressed or the scope of certain headings or subheadings is defined has a value of 0.83867088 gramme of fine gold ;

Whereas Council Regulation N° 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (4), as last amended by Regulation (EEC) n° 2543/73 (5), allows measures to be taken which derogate from the principle of a par value for the conversion of one currency into another ; whereas representative rates have been adopted in the agricultural sector under these provisions ;

Whereas Regulation (EEC) n° 1167/76, by amending Annex IV to Regulation (EEC) n° 816/70 laying down additional provisions for the common organization of the market in wine and the Common Customs Tariff, provided that notwithstanding General Rule C 3 in the Annex to the Common Customs Tariff the representative rate in respect of certain wines should be used when converting the customs duties fixed in units of account into national currencies ; whereas in respect of other wines General Rule C 3 remained applicable;

(1)

(2) OJ N° L 172, 22. 7.1968, p. 1

(3) OJ N° L 135, 24. 5.1976, p. 42

(4) OJ N° L 106, 30.10.1962, p.2553/62

(5) OJ N° L 263, 19. 9.1973, p. 1

(6) OJ N° L 99, 5. 5.1970, p. 1

Whereas application of two different exchange rates in respect of wines falling within subheading 22.05 C in the Common Customs Tariff leads to distortion in competition between imported wines ; whereas this situation should be remedied as a matter of urgency ; whereas the situation could be remedied by applying the same exchange rate on such wines when converting the customs duties expressed in units of account into national currencies ; whereas the exchange rate fixed in accordance with Regulation n° 129 should be applied in such cases ;

Whereas Annex IV to Council Regulation (EEC) n° 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (6), as last amended by Regulation (EEC) n° 1167/76 (3), amends the Common Customs Tariff,

HAS ADOPTED THIS REGULATION :

Article 1

In Annex IV "Amendment to the Common Customs Tariff" to Regulation (EEC) n° 816/70 a reference to footnote (c) shall be added after the rates of duties in columns 3 and, where applicable, 4, applicable to wine falling within subheadings 22.05 C III a) 1, C III b) 1 and CIII b) 2, 22.05 C IV a) 1, C IV b) 1 and C IV b) 2.

Article 2

This Regulation shall enter into force on the third day following the publication in the Official Journal of the European Communities.

It shall apply from 1.12.. 1976.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels

For the Council  
The President